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HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			MOORE, IAN N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.	Applicant(s)
	09/750,216	RUDRAPATNA, ASHOK N.
	Examiner	Art Unit
	Ian N Moore	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on amendment filed on 17 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment filed on 8-17-2004.
2. Claims 1-42 are rejected by the same ground of rejections.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **System and Method for selectively transmitting delay sensitive and insensitive data services.**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5,7,8,13,21-23,30,31,35-39,41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Henry (U.S. 5,845,215).

Regarding Claims 1,21 and 35, Henry'215 discloses a wireless data terminal (see FIG. 4, a combined system of mobile and computer 182) and a method for transmitting data between a first node (see FIG. 4, a combined system of mobile and computer 182) and a

second node (see FIG. 4, a node that couples to the PSTN and MSC 140; see col. 6, lines 5-6) comprising:

a data analyzer (see FIG. 4, a combined system of Processing Unit 180 and transceiver 170) for identifying if data being transmitted is delay sensitive (see FIG. 7d, voice) or delay insensitive (see FIG. 7d, CDPD/packet; see col. 15, lines 10-14, 33-37; see col. 6, lines 25-35; note that the combined system identifies/determines whether the data that is transmitted is voice (i.e. voice mode) or packet (i.e. CDPD/packet mode));

a packet transmission system (see FIG. 7d, Cellular Digital Packet Data, CDPD, system mode, see col. 9, lines 34-52) to transmit delay insensitive data (col. 14, lines 4-9; note that during CDPD mode, the packets are transmitted toward CDPD/packet switch network); and

a wireless circuit communication connection system (see FIG. 7d, IS-136/D-AMPS system mode, see col. 6, lines 53-62) for establishing/transmitting to transmit delay sensitive data (see col. 14, lines 14-19; note that during D-AMPS/IS-136 mode, the voice is transmitted toward PSTN/circuit switch network).

Regarding Claim 2, Henry'215 discloses using Internet Protocol packet transmission (see col. 7, lines 39-59; see col. 8, lines 1-5; note that the packet networks and transmission can be designed with Internet or TCP/IP protocol stack).

Regarding Claims 3 and 4, Henry'215 discloses establishing one of a wireless circuit switched communication connection, a Personal Communication System connection, and a radio connection (see FIG. 7d, IS-136/D-AMPS system network, see col. 6, lines 53-62; note

that voice communication is established via IS-136/D-AMPS circuit switch communication connection or a radio/wireless connection).

Regarding Claim 5, Henry'215 discloses wherein establishing a wireless circuit switched communication connection includes determining call parameters (i.e. called party or destination phone number and calling party source phone number) for establishing the wireless circuit switched communication connection (note that it is inherent and well known in the art of wireless communication that in order to establish a connection, the user must dial a called party phone number, and the connection is determined based upon the called party number and calling partly phone numbers).

Regarding Claim 7, Henry'215 discloses wherein determining call parameters for establishing the wireless circuit switched communication connection includes at least **one** of identifying a call destination (i.e. called party or destination phone number) and determining a rate of data transmission (note that it is inherent and well known in the art of wireless communication that in order to establish a connection, the user must dial a called party phone number, and the connection is determined based upon the called party number and calling partly phone number).

Regarding Claim 8, Henry'215 discloses connecting the wireless circuit switched communication connection with a PSTN (see FIG. 4, MSC 140 couples to the PSTN, thus circuit switched communication must connect to PSTN; see col. 6, lines 5-6).

Regarding Claim 13, Henry'215 discloses wherein the delay sensitive data includes one or more of voice data, video data, and multimedia data (see FIG. 7d, voice, see col. 14, lines 14-19; the voice data is the delay sensitive data).

Regarding claims 22 and 30, Henry'215 discloses wherein the first/second node is a wireless data terminal (see FIG. 4, a combined system of mobile and computer 182) and the second/first node is on a PSTN (see FIG. 4, note that a phone/node which is on the PSTN; see col. 2, lines 56-60, see col. 6, lines 5-6).

Regarding claims 23 and 31, Henry'215 discloses wherein delay sensitive data is transmitted between the first/second node and the second/first node by way of a cellular network (see FIG. 4, a cellular network comprises Base Station 110 and MSC 140, and the voice data is transmitted between phone/node and the wireless mobile unit; see col. 2, lines 56 to see col. 3, lines 13).

Regarding Claim 36, Henry'215 discloses wherein said wireless transmission system is constructed and arranged to establish a wireless circuit switched communication connection (see col. 6, lines 14-40; note that the a combined system of mobile and computer 182 is built/constructed and set/arranged/designed to establish a wireless circuit switched connection).

Regarding Claim 37, Henry'215 discloses wherein said wireless transmission system comprises a computer peripheral card (see FIG. 4, a peripheral Processing Unit 180 of the mobile unit 120; see col. 6, lines 25-40).

Regarding Claim 38, Henry'215 discloses wherein said packet transmission system is constructed and arranged to communicate with a packet data network (see col. 9, lines 12-67; a combined system of mobile and computer 182 is built/constructed and set/arranged/designed to establish a wireless packet switched connection to route the packet to/from CDPD network).

Regarding Claim 39, Henry'215 discloses wherein said packet transmission system is constructed and arranged to communicate with a wireless data network (see FIG. 4, a wireless data network comprising Base station 110 and MSC 140 which switches packet data in CDPD mode; see col. 9, lines 12-67; a combined system of mobile and computer 182 in CDPD mode is built/constructed and set/arranged/designed to communicate a wireless packet switched connection).

Regarding Claims 41 and 42, Henry'215 discloses a data communication network comprising:

a wireless data terminal on the data communication network (see FIG. 4, a combined system of mobile and computer 182 on the cellular mobile radiotelephone system) constructed and arranged to selectively communicate (see col. 15, lines 10-14, 33-37; see col. 6, lines 25-35; note that the combined system builds/constructs and sets/arranged/designed to select the communications modes to communicate) with a cellular communication network system (see FIG. 7d, IS-136/D-AMPS system network, see col. 6, lines 53-62) or

a wireless data network (see FIG. 7d, Cellular Digital Packet Data, CDPD, system network, see col. 9, lines 34-52)

depending on whether data being sent to or received by the wireless terminal is delay sensitive (see FIG. 7d, voice) or delay insensitive (see FIG. 7d, CDPD/packet; col. 14, lines 4-9, see col. 14, lines 14-19; note that the transmission mode from the combined system depends whether the data that is transmitted/received is voice (i.e. voice mode) or packet (i.e. CDPD/packet mode)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henry'215 in view of well-established teaching in art.

Regarding claim 6, Henry'215 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 5 as described above.

Henry'215 does not explicitly disclose extracting call parameter information from the data being transmitted.

However, the above-mentioned claimed limitations are taught by well-established teaching in art. In particular, well-established teaching in art teaches wherein determining call parameters for establishing the wireless circuit switched communication connection extracting call parameter information (i.e. called and calling phone numbers) from the data being transmitted. In particular, the calling and caller number must be determined in order to establish/setup the call. In order to determine phone numbers (i.e. IMSI, MIN, or MSISDN), the phone number must be extracted/removed/determined from the data at the BSC, MSC, or HLR (Home location Register) of the wireless network.

In view of this, having the system of Henry'215 and then given the teaching of well established teaching in art, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by

extracting/determining the phone numbers in order to setup the circuit switched connection, as taught by well established teaching in art. The motivation to combine is to obtain the advantages/benefits taught by well-established teaching in art since well-established teaching in art states that such modification would ensure the correct and reliable connection between two nodes.

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry'215 in view of Andersson (U.S. 6,693,894).

Regarding claim 9, Henry'215 discloses connecting the wireless circuit switched communication as disclosed above in claims 1 and 4.

Henry'215 does not explicitly disclose connection with Internet. However, the above-mentioned claimed limitations are taught by Andersson'894. In particular, Henry'215 teaches connecting the wireless circuit switched communication with the Internet (see FIG. 3, mobile circuit switched network C connects with IP network/Internet 308; see col. 3, lines 10-20).

In view of this, having the system of Henry'215 and then given the teaching of Andersson'894, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by connecting the mobile circuit switch network with Internet, as taught by Andersson'894. The motivation to combine is to obtain the advantages/benefits taught by Andersson'894 since Andersson'894 states at col. 4, line 10-15 that such modification would reduce/lower the cost of the calling party by routing

the circuit switch call via Internet as VoIP since the calling party operator/provider does not need to pay accounting fee for using the Internet.

Regarding claim 10, the combined system of Henry'215 and Andersson'894 discloses all aspects of the claimed invention set forth in the rejection of Claim 1,4, and 9 as described above. Andersson'894 further teaches providing a gateway server (see FIG. 3, IP-Gateway C 309c) operatively between a wireless circuit switched communication network (see FIG. 3, Mobile Network C 314c) and the Internet (see FIG. 3, IP network/Internet 308; see col. 4, line 20-29).

In view of this, having the system of Henry'215 and then given the teaching of Andersson'894, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Andersson'894, by providing the IP gateway between Internet and mobile network, as taught by Andersson'894, for the same motivation as stated above in Claim 9.

9. Claims 11,12,24-29,32-34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry'215 in view of Chang (U.S. 6,487,406).

Regarding claim 11, Henry'215 discloses wherein using packet transmission to transmit delay insensitive data as described above in claim 1 and 2.

Henry'215 does not explicitly disclose using packet transmission to send data over the Internet.

However, the above-mentioned claimed limitations are taught by Chang'406. In particular, Chang'406 teaches using packet transmission to send data over the Internet (see

FIG. 2, BSC 14 uses the data/packet transmission to send the data/packet over the Internet 34 towards data/packet host 36; see col. 4, line 10-19).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing the Internet to send data/packet, as taught by Chang'406. The motivation to combine is to obtain the advantages/benefits taught by Chang'406 since Chang'406 states at col. 2, line 16-24 that such modification would provide the wireless Internet communication which can easily operate in conjunction with emerging and existing technologies by connection to the Internet.

Regarding claim 12, the combined system of Henry'215 and Chang'406 discloses all aspects of the claimed invention set forth in the rejection of Claim 1,2, and 11 as described above. Chang'406 further teaches connecting the Internet connection to a PSTN (see FIG. 1, Internet connection to a PSTN 20; see col. 1, lines 35-46).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Chang'406, by providing a connection between Internet and PSTN as taught by Chang'406, for the same motivation as stated above in Claim 11.

Regarding claim 24, Henry'215 discloses delay insensitive data is transmitted between first node and second node as described above in claims 21-23.

Henry'215 does not explicitly disclose transmission by way of Internet.

However, the above-mentioned claimed limitations are taught by Chang'406. In particular, Chang'406 teaches delay insensitive data is transmitted between first node (see FIG. 1, MS 18) and second node (see FIG. 1, a node that couples to PSTN 20) by way of Internet (see FIG. 1, Internet 34; see col. 1, line 30-67; note that the data/packets are transmitted between MS 18 and the node that couples to PSTN via Internet).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing the Internet to send data/packet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claims 25 and 32, Henry'215 discloses wherein the first/second node is a wireless data terminal (see FIG. 4, a combined system of mobile and computer 182) and the second/first node as described above in claims 21.

Henry'215 does not explicitly disclose second/first node is on the Internet.

However, the above-mentioned claimed limitations are taught by Chang'406. In particular, Chang'406 teaches second/first node (see FIG. 2, Host 36) is on the Internet (see FIG. 2, Internet 34; see col. 1, line 30-67).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing a node connection to the Internet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claim 26, the combined system of Henry'215 and Chang'406 discloses all aspects of the claimed invention set forth in the rejection of Claim 21 and 25 as described

above. Chang'406 further teaches wherein delay insensitive data is transmitted between the first node and the second node by way of a wireless data network (see FIG. 2, a wireless data network consists of MS 18, BS 16, BSC 14, GR 32; see col. 4, lines 14-19).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by utilizing a wireless data network to connect to the Internet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claim 27, the combined system of Henry'215 and Chang'406 discloses all aspects of the claimed invention set forth in the rejection of Claims 21, 25, and 26 as described above. Chang'406 further teaches providing a gateway server (see FIG. 2, Gateway Router GR 32) between the wireless data network and the Internet (see FIG. 2, a gateway router connects the wireless data network and Internet 34; see col. 4, lines 14-19).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing a gateway router to connect to the Internet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claims 28 and 33, the combined system of Henry'215 and Chang'406 discloses all aspects of the claimed invention set forth in the rejection of Claim 21, 25, and 32 as described above. Chang'406 further teaches wherein delay sensitive data is transmitted between the first node (see FIG. 1, MS 18) and the second node (see FIG. 1, a node that

connects to Internet, i.e. see FIG. 2, Host 36) by way of a wireless cellular network (see FIG. 1, a wireless cellular network consists of MS 18, BS 16, BSC 14, MSC 12, IWF 24; see col. 1, lines 30-46).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by utilizing a wireless cellular network to connect to the Internet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claims 29 and 34, the combined system of Henry'215 and Chang'406 discloses all aspects of the claimed invention set forth in the rejection of Claims 21,25,28 and 32 as described above. Chang'406 further teaches providing a gateway server (see FIG. 1, IWF 24) between the cellular network and the Internet (see FIG. 1, Interworking Function Unit is the server that connects between Internet and the wireless circuit network comprising MSC 12; see col. 1, lines 30-67).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing a IWF server, as taught by Chang'406, for the same motivation as stated above in Claim 23.

Regarding claim 40, Henry'215 discloses packet transmission system is constructed and arranged to communicate with a packet data network as disclosed above in claim 38.

Henry'215 does not explicitly disclose communication with Internet.

However, the above-mentioned claimed limitations are taught by Chang'406. In particular, Chang'406 teaches the packet transmission system (see FIG. 2, MS 18 in packet transmission mode) is constructed and arranged to communicate with the Internet (see FIG. 2, Internet 34; see col. 4, line 1-19; note that MS 18 built/constructed and set/arranged/designed to communicate with the Internet).

In view of this, having the system of Henry'215 and then given the teaching of Chang'406, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by providing the Internet to send data/packet, as taught by Chang'406, for the same motivation as stated above in Claim 23.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henry'215 in view of Dunn (U.S. 5,916,302).

Regarding claim 14, Henry'215 discloses the delay sensitive portion being transmitted by the wireless communication connection and the delay insensitive portion being transmitted by packet transmission as described above in claim 1.

Henry'215 does not explicitly disclose multimedia data comprising a delay sensitive portion and a delay, insensitive portion.

However, the above-mentioned claimed limitations are taught by Dunn'302. In particular, Dunn'302 teaches wherein the data being transmitted is multimedia data (i.e. multimedia conference session) comprising a delay sensitive portion (i.e. voice signal portion) and a delay insensitive portion (i.e. data signal portion), the delay sensitive portion being transmitted by the wireless communication connection (see FIG. 3, PSTN 1) and the

delay insensitive portion being transmitted by packet transmission (see FIG. 3, Web/Internet 16; see col. 2, line 42-53; note that voice signal portion of the multimedia session/data is routed via PSTN and data signal portion of the multimedia session/data is routed via Web/Internet).

In view of this, having the system of Henry'215 and then given the teaching of Dunn'302, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dunn'302, by providing the multimedia session/data which comprises voice and data portions, as taught by Dunn'302. The motivation to combine is to obtain the advantages/benefits taught by Dunn'302 since Dunn'302 states at col. 2, line 25-40 that such modification would control the cost by enabling participants in a multimedia conference to control distribution of display images to other participants through Internet in coordination with their voice presentation.

11. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry'215 in view of Forslow (U.S. 6,608,832).

Regarding claim 15, Henry'215 discloses wherein identifying if the data being transmitted is delay sensitive or delay insensitive as described above in claim 1. Henry'215 further discloses wherein the data being transmitted as the data being transmitted is initially packetized (see FIG. 6, CDPD frame MDLP frame for data; see FIG. 2a, TDMA framing for voice), each data packet comprising a header (see FIG. 6, L2 header, SYNC and PCF) and payload (see FIG. 6, Layer 3 message/payload/data); see col. 12, lines 46-62, see col. 4, lines 50 to col. 5, lines 15.

Henry'215 does not explicitly disclose identifying an application identifier in a respective packet header; and depending on the application identifier, examining the packet payload.

However, the above-mentioned claimed limitations are taught by Forslow'832. In particular, Forslow'832 teaches disclose packetizing processes based upon payload/traffic flows/types (see FIG. 5, 6, and 8) wherein identifying if the data being transmitted is delay sensitive (i.e. circuit-switched bearer flow) or delay insensitive (i.e. packet-switched bearer flow; see FIG. 4, step 60-64, see FIG. 8, step 70,72,84, 86; note that upon request/registration, the specific bearer is identified/determined and selected) comprises:

identifying an application identifier (see FIG. 7, RTP, UDP, or TCP) in a respective packet header (see FIG. 5, packet header; see col. 10, lines 54-60, col. 11, lines 55 to see col. 12, lines 7; note that appropriate transport protocol (i.e. RTP, UDP or TCP) is determined/identified from the packet header for various application traffic/payload); and

depending on the application identifier, examining the packet payload (see FIG. 7, Video flow traffic/payload, Audio/voice flow traffic/payload, or conferencing flow traffic/payload; see col. 11, line 55 to see col. 12, lines 10; note that based upon the transport protocol, each payload/traffic type/flow is defined/examined and QoS/bearer selection is performed accordingly).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Forslow'832, by identifying the transport protocol in the header and each traffic/payload is defined/examined, as taught by

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Forslow'832. The motivation to combine is to obtain the advantages/benefits taught by Forslow'832 since Forslow'832 states at col. 5, line 40-50 that such modification would optimize the type of mobile communication network transfer service since the service will be specified/determined on an individual flow basis.

Regarding claim 16, the combined system of Henry'215 and Forslow'832 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 15 as described above. Forslow'832 further teaches determining if the application identifier corresponds to the User Datagram Protocol (see FIG. 5, UDP in the packet header; col. 10, lines 54-60, col. 11, lines 55 to see col. 12, lines 7; note that determining/identifying if the application transport identifier to carry various application traffic flow is/as UDP, User Datagram Protocol when packetizing).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by determining UDP as the specified type of transport identifier, as taught by Forslow'832, for the same motivation as stated above in Claim 15.

Regarding claim 17, the combined system of Henry'215 and Forslow'832 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 15 as described above. Forslow'832 further teaches examining if the application identifier corresponds to the User Datagram Protocol (see FIG. 5, UDP in the packet header; col. 10, lines 54-60, col. 11, lines 55 to see col. 12, lines 7; note that determining/identifying/examining if the application

transport identifier to carry various application traffic flow is/as UDP, User Datagram Protocol when packetizing).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by determining/examining UDP as the specified type of transport flow identifier, as taught by Forslow'832, for the same motivation as stated above in Claim 15.

Regarding claim 18, the combined system of Henry'215 and Forslow'832 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 15 as described above. Forslow'832 further teaches identifying if the data packet payload contains voice data. (see FIG. 7, Audio Data application traffic flow; see col. 5, lines 21-30, 45-46; col. 11, lines 55 to see col. 12, lines 7; note that identifying/determining/examining if the data application flow/traffic is/as audio/voice payload/traffic when packetizing).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by identifying/determining/examining audio/voice application traffic flow, as taught by Forslow'832, for the same motivation as stated above in Claim 15.

Regarding claim 19, the combined system of Henry'215 and Forslow'832 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 15 as described above. Forslow'832 further teaches identifying if the data packet payload contains video data (see FIG. 7, Video Data application traffic flow; see col. 5, lines 21-30, 45-46; col. 11, lines

55 to see col. 12, lines 7; note that identifying/determining/examining if the data application flow/traffic is/as the video payload/traffic).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by identifying/determining/examining video application traffic flow, as taught by Forslow'832, for the same motivation as stated above in Claim 15.

Regarding claim 20, the combined system of Henry'215 and Forslow'832 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 and 15 as described above. Forslow'832 further teaches identifying if the data packet payload contains multimedia data (see FIG. 7, Conferencing/multimedia Data application traffic flow; see col. 2, lines 6-10, col. 5, lines 21-30, 45-46; col. 11, lines 55 to see col. 12, lines 7; note that identifying/determining/examining if the data application flow/traffic is/as multimedia/conference payload/traffic).

In view of this, having the system of Henry'215 and then given the teaching of Forslow'832, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Henry'215, by identifying/determining/examining multimedia application traffic flow, as taught by Forslow'832, for the same motivation as stated above in Claim 15.

Response to Arguments

12. Applicant's arguments filed 8-17-2004 have been fully considered but they are not persuasive.

Regarding claims 1-42, the applicant argued that, "...examiner has mistakenly considered packet data send in PCDH mode as delay insensitive data and voice data send in D-AMPLS mode as delay sensitive data...Henry does not discloses or suggest method for "identifying if data being transmitted is delay sensitive or delay insensitive"..." in page 12, paragraph 1.

In response to applicant's argument, the examiner respectfully disagrees that examiner has mistakenly considered packet data send in PCDH mode as delay insensitive data and voice data send in D-AMPS mode as delay sensitive data...Henry does not discloses or suggest method for "identifying if data being transmitted is delay sensitive or delay insensitive".

Henry discloses a data analyzer (see FIG. 4, a combined system of Processing Unit 180 and transceiver 170) for identifying if data being transmitted is delay sensitive (see FIG. 7d, voice) or delay insensitive (see FIG. 7d, CDPD/packet; see col. 15, lines 10-14, 33-37; see col. 6, lines 25-35; note that the combined system identifies/determines whether the data that is transmitted is voice (i.e. voice mode) or packet (i.e. CDPD/packet mode)).

As recited above and in the previous rejection, processing unit 180 and transceiver 170 of the mobile station can operate in different modes such as voice mode and packet mode, and the processor identifies data traffic type by selecting a specific mode to process or

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operate the data. Examiner also asserts a “delay sensitive” data as “voice” and “delay insensitive” data as “packet”. Thus, Henry clearly anticipated the claimed invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **PCDH mode, D-AMPS mode, or modes**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that, “...voice data is not **always** delay sensitive...and packet data is not **always** delay insensitive data...streaming video....high priority packet data..” page 12, paragraph 1 ; page 14, paragraph 3.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **always delay sensitive data, always delay insensitive data, or streaming video, or high priority packet data**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that, “...examiner has mistakenly considered the voice signal portion of the multimedia data as delay sensitive and the data signal portion of the multimedia data as delay insensitive data ...Dunn does not discloses identifying if data being transmitted is delay sensitive or delay insensitive...” in page 14, 3rd paragraph.

In response to applicant's argument, the examiner respectfully disagrees that examiner has mistakenly considered the voice signal portion of the multimedia data as delay sensitive and the data signal portion of the multimedia data as delay insensitive data ...Dunn does not discloses identifying if data being transmitted is delay sensitive or delay insensitive.

Dunn'302 teaches wherein the data being transmitted is multimedia data (i.e. multimedia conference session) comprising a delay sensitive portion (i.e. voice signal portion) and a delay insensitive portion (i.e. data signal portion), the delay sensitive portion being transmitted by the wireless communication connection (see FIG. 3, PSTN 1) and the delay insensitive portion being transmitted by packet transmission (see FIG. 3, Web/Internet 16; see col. 2, line 42-53; note that voice signal portion of the multimedia session/data is routed via PSTN and data signal portion of the multimedia session/data is routed via Web/Internet).

As stated above, examiner asserts "multimedia delay sensitive" data as "multimedia voice" signal portion, and "multimedia delay insensitive" data as "multimedia data" signal portion. Thus, Dunn clearly anticipated the claimed limitations.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Identifying if data being transmitted is delay sensitive or delay insensitive step is already taught the Henry Dunn reference is used in order to show the well-known teaching of the **multimedia** data

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containing delay sensitive voice signals and delay insensitive data signals. Thus, Henry in view of Dunn discloses all claimed limitations.

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that 102 and 103 rejections, regarding 1-42, set forth above is proper at least the reasons discussed above.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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